

# **Exhibit A**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

IN RE: CATHODE RAY TUBE ) No. 3:07-cv-05944-SC  
(CRT) ANTITRUST LITIGATION ) MDL No. 1917

)

)

This Document Relates to: )

)

ALL ACTIONS )

)

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VIDEOTAPED DEPOSITION OF ALAN S. FRANKEL, Ph.D.  
Los Angeles, California  
Thursday, July 10, 2014

Reported by:  
SHANDA GABRIEL  
CSR No. 10094

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\_\_\_\_\_ )

6 This Document Relates to: )

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ALL ACTIONS )

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12  
13 Videotaped deposition of ALAN S. FRANKEL,  
14 Ph.D., taken on behalf of the Defendants at  
15 2049 Century Park East, Los Angeles, California,  
16 commencing at 9:07 a.m., Thursday, July 10, 2014,  
17 before SHANDA GABRIEL, CSR No. 10094.  
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10 EXAMINATION 17:48:53

11 BY MS. BRASS: 17:48:53

12 Q. Hi. I'm Rachel Brass for the Chunghwa 17:48:54

13 Picture Tubes defendants. 17:48:58

14 A. Hello. 17:48:58

15 Q. Dr. McClave did not separately compute any 17:48:59

16 overcharge for the CPT defendants, correct? 17:49:04

17 A. I don't know what you mean. He separately 17:49:08

18 calculated a CPT overcharge separate from a CDT 17:49:12

19 overcharge. 17:49:16

20 Q. Let me rephrase. 17:49:16

21 He computed one overcharge for all 17:49:18

22 defendants, correct, for CPT and for CDT? 17:49:21

23 A. For all defendants for all CDT sales was my 17:49:25

24 understanding. 17:49:32

25 Q. Correct. And he didn't attempt to 17:49:32

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1	separately calculate an overcharge for the Chunghwa	17:49:34
2	Picture Tubes defendants, correct?	17:49:38
3	A. That's my understanding.	17:49:42
4	Q. And you did not attempt to separately	17:49:43
5	calculate an overcharge for the Chunghwa Picture	17:49:44
6	Tubes defendants, correct?	17:49:47
7	A. I didn't separately calculate an overcharge	17:49:47
8	for anybody.	17:49:51
9	Q. Great.	17:49:51
10	Did you make any attempt to identify the	17:49:56
11	specific size of tubes that Chunghwa Picture Tubes	17:49:57
12	sold?	17:50:00
13	A. No. Well -- no, I did not.	17:50:00
14	Q. And you testified that you did not attempt	17:50:03
15	to determine which of the plaintiffs you wrote a	17:50:08
16	report for bought CRT products containing CRT tubes	17:50:11
17	manufactured by Chunghwa Picture Tubes, correct?	17:50:17
18	A. Just in the aggregate allocation method	17:50:20
19	that we discussed earlier today.	17:50:22
20	Q. Did you do any specific analysis of whether	17:50:23
21	any of the direct vendors appearing in Exhibit 15 of	17:50:29
22	any of your reports actually sold to any plaintiffs	17:50:33
23	any products containing either color display tubes	17:50:37
24	or color picture tubes manufactured by Chunghwa	17:50:41
25	Picture Tubes?	17:50:45

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1           A. Well, I haven't numerically analyzed that       17:50:45  
2       question. But as a qualitative matter, there's a       17:51:09  
3       high likelihood if Chunghwa was manufacturing tubes   17:51:15  
4       that were incorporated into CRT products in the       17:51:19  
5       world, that among the tens of millions of such       17:51:24  
6       products that the plaintiffs collectively bought for   17:51:28  
7       which I've written reports, that some of those had   17:51:32  
8       Chunghwa tubes. But I haven't made any attempt to   17:51:35  
9       identify them.   17:51:37

10           Q. You've made no quantitative analysis of       17:51:38  
11       that question, correct?                                   17:51:40

12           A. Just in the market share sense that I've       17:51:41  
13       talked about.   17:51:43

14           Q. Okay. I'll ask you about that in a minute.   17:51:43

15                 Did you take into account, for example,       17:51:45  
16       that there's no evidence that Chunghwa sold CRTs of   17:51:48  
17       any kind, color picture tubes or color display       17:51:54  
18       tubes, to any Mitsubishi entity listed in the direct   17:51:56  
19       vendor names in, say, Exhibit 15 of the Best Buy       17:52:00  
20       report related to Best Buy -- I mean, sorry, to       17:52:05  
21       Mitsubishi or NEC or Packard Bell NEC.                   17:52:08

22                 Did you examine that at all?                   17:52:14

23           MR. SMITH: Objection. Form.                       17:52:15

24           THE WITNESS: No, I didn't. I did not.           17:52:16

25           BY MS. BRASS:   17:52:18

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1 Q. Do you know if CPT sold tubes to any Zenith 17:52:18  
2 entity? 17:52:21

3 A. I do not know. 17:52:21

4 Q. Do you know which entities Chunghwa Picture 17:52:22  
5 Tubes sold tubes to? 17:52:24

6 A. No, I have not done that analysis. 17:52:26

7 Q. Turning then to the market share 17:52:29  
8 adjustments that you made, do you know what Chunghwa 17:52:30  
9 Picture Tubes' market share was in the U.S. for 17:52:36  
10 picture tubes over 21 inches? 17:52:40

11 A. I do not. 17:52:44

12 Q. Did you take its market share in various 17:52:47  
13 sizes of tubes into account in your qualitative or 17:52:50  
14 quantitative analysis? 17:52:56

15 A. I don't believe I've seen data on their 17:52:57  
16 market shares by size, so I did not. 17:53:02

17 Q. Do you know what their share of tube -- 17:53:04  
18 picture tubes over 22 inches worldwide was during 17:53:10  
19 the period that you computed damages for? 17:53:14

20 A. No. 17:53:15

21 Q. And did you separately compute pass-through 17:53:17  
22 for tubes -- never mind. We'll strike that. 17:53:24

23 Did you attempt to break out Chunghwa's CDT 17:53:32  
24 market share distinct from other CRT manufacturers 17:53:35  
25 in any way? 17:53:39



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1           A. I'm sorry. I guess I don't understand what 17:53:39  
2           you mean. 17:53:54

3           Q. Did you -- did you compute Chunghwa's CDT 17:53:54  
4           market share for finished monitor products 17:54:09  
5           separately for Chunghwa Picture Tubes? 17:54:12

6           A. I -- I have data on their CDT market share 17:54:14  
7           and I used that in the way I've described. I didn't 17:54:22  
8           allocate damages numbers pro rata according to these 17:54:25  
9           market shares in any way. But you -- you said 17:54:30  
10          finished products. I'm not quite sure what you 17:54:33  
11          mean. 17:54:36

12          Q. Do you know what percentage of monitors 17:54:36  
13          contained Chunghwa -- did you compute what 17:54:40  
14          percentage of monitors contained Chunghwa CDTs? 17:54:43

15          A. I computed the -- the -- it's in this 17:54:47  
16          table. So I computed the share of CDT's units 17:54:52  
17          accounted for by Chunghwa. But I didn't multiply 17:54:58  
18          the percentages by the total number of units to -- 17:55:03  
19          to calculate that out. 17:55:07

20          Q. Okay. And did you offer a separate damages 17:55:09  
21          calculation for any specific defendant? Any -- 17:55:12

22          A. That may be a legal question. 17:55:20

23                 There's -- as I said before, Exhibit 20b 17:55:24  
24          to -- to most of my reports breaks out some of the 17:55:27  
25          damages totals by certain parties that are 17:55:33

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1 affiliated with certain defendants. Beyond that, I 17:55:35  
2 didn't try to allocate damages to particular CRT 17:55:39  
3 manufacturers. 17:55:42

4 Q. Okay. And you did not offer any specific 17:55:43  
5 opinion in any of your reports as to damages 17:55:46  
6 attributable to Chunghwa Picture Tubes, correct? 17:55:50

7 A. Well, I think that's -- that involves a 17:55:56  
8 legal issue about joint and several liability 17:55:59  
9 because I haven't tried to -- if you're asking what 17:56:01  
10 component, what dollar amount Chunghwa owes of the 17:56:07  
11 total that I've computed, I haven't tried to do 17:56:11  
12 that. 17:56:14

13 Q. That's not actually what I'm asking, but I 17:56:14  
14 think your answer is fine. 17:56:18

15 If Chunghwa were not joint and severely -- 17:56:21  
16 jointly and severely liable, if that were my 17:56:24  
17 hypothetical, you have not offered any specific 17:56:27  
18 opinion as to damages attributable to Chunghwa 17:56:31  
19 sales, correct? 17:56:34

20 A. Are you asking if Chunghwa is not liable at 17:56:36  
21 all? 17:56:38

22 Q. Joint and severely liable for -- as you 17:56:38  
23 understood the term, since you introduced it. 17:56:45

24 A. Well, so if -- if -- well, what I -- I 17:56:48  
25 haven't done that math. I'd have to think about 17:57:00

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1 whether I have enough information to do that math. 17:57:03

2 I might. 17:57:05

3 Q. But it's not presently in any report or 17:57:05

4 supplemental report you've served in -- you've 17:57:07

5 written in this -- in any of the CRT cases in which 17:57:09

6 you've offered a report, correct? 17:57:14

7 A. As I sit here, I think it would be a simple 17:57:16

8 calculation of taking the ratio of, for example, 17:57:18

9 16.3 percent to 88.5 in a particular quarter that 17:57:20

10 I'm looking at and multiplying it out. But I 17:57:24

11 haven't done that calculation yet. 17:57:27

12 Q. And you haven't looked at any specific 17:57:29

13 sizes that Chunghwa manufactured or a specific 17:57:31

14 pass-through rate for Chunghwa, you'd have to assume 17:57:36

15 that it was a common pass-through, right? I mean -- 17:57:39

16 sorry. Strike that. 17:57:41

17 You would have to assume is that there was 17:57:42

18 a common overcharge, correct? You would not have a 17:57:44

19 specific Chunghwa overcharge to use for that 17:57:46

20 analysis? 17:57:48

21 A. Can you ask again because the -- I'm not 17:57:52

22 sure which part of the first part of your question 17:57:55

23 is still there. 17:57:56


24 Q. We'll start totally over. 17:57:57

25 A. Thank you. 17:57:58

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1	Q. If you were to do that, you would use	17:57:59
2	Dr. McClave's existing overcharge analysis, correct?	17:58:01
3	A. Yes, the -- the feedstock to my analysis is	17:58:05
4	the dollars-per-tube overcharge as I've computed	17:58:08
5	from the two pieces I got from him.	17:58:12
6	Q. Okay. Great. Thank you.	17:58:13
7	A. Thank you.	17:58:16



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## DECLARATION

I hereby declare I am the deponent in the within matter; that I have read the foregoing deposition and know the contents thereof, and I declare that the same is true of my knowledge except as to the matters which are therein stated upon my information or belief, and as to those matters, I believe it to be true.

I declare under the penalties of perjury of the State of California that the foregoing is true and correct.

Executed on the \_\_\_\_\_ day of \_\_\_\_\_ 2014, at \_\_\_\_\_, California.

\_\_\_\_\_  
ALAN S. FRANKEL

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1 STATE OF CALIFORNIA )  
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4 I, Shanda Gabriel, Certified Shorthand  
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7 I am the deposition officer that  
8 stenographically recorded the testimony in the  
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10 Prior to being examined the witness was by  
11 me first duly sworn;

12 The foregoing transcript is a true record  
13 of the testimony given.

14 Before completion of the deposition, review  
15 of the transcript was [] was not [X] requested. If  
16 requested, any changes made by the deponent (and  
17 provided to the reporter) during the period allowed  
18 are appended hereto.

19 Dated July 22, 2014.  
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